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6/29/01
MA

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MELVIN SANDERS,

Petitioner

v.

R. M. REISH, WARDEN,

Respondents

: CIVIL ACTION NO. 1:CV-01-0836
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FILED
HARRISBURG, PA

JUN 28 2001


MARY E. D'ANDREA, CLERK
Per MA
Deputy Clerk

O R D E R

The above captioned petition for writ of habeas corpus was filed pursuant to 28 U.S.C. § 2241 on April 20, 2001. Petitioner, Melvin Sanders, filed the appropriate filing fee. Petitioner is a federal prisoner currently confined at the federal correctional institute at Schuylkill in Minersville, Pennsylvania. He previously filed a petition for writ of habeas corpus pursuant to 28 U.S.C. §2241 with this Court on October 19, 2000. Petitioner, verbatim, raises the identical three claims in the instant petition that he raised in his first petition, which was dismissed without prejudice as to any right Sanders may have to file a §2255 motion in the United States District Court for the Eastern District of New York by order dated April 2, 2001. Petitioner has failed to demonstrate that he has obtained permission from the Third Circuit Court of Appeals to file the captioned petition.

Accordingly, **IT IS HEREBY ORDERED THAT:**

1. The instant petition for writ of habeas corpus is dismissed as a second or successive §2241 petition pursuant to 28 U.S.C. §2244.
2. The Clerk of Court is directed to close this case.
3. There is no basis for the issuance of a certificate of appealability.



SYLVIA H. RAMBO
United States District Judge

Dated: June 28, 2001.

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UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

June 28, 2001

Re: 1:01-cv-00836 Sanders v. Reish

True and correct copies of the attached were mailed by the clerk
to the following:

Melvin Sanders
FCI-SCHUYLKILL
14136-053
P.O. Box 759
Minersville, PA 17954

cc:		
Judge	(X)	(X) Pro Se Law Clerk
Magistrate Judge	()	() INS
U.S. Marshal	()	() Jury Clerk
Probation	()	
U.S. Attorney	()	
Atty. for Deft.	()	
Defendant	()	
Warden	()	
Bureau of Prisons	()	
Ct Reporter	()	
Ctroom Deputy	()	
Orig-Security	(X)	
Federal Public Defender	()	
Summons Issued	()	with N/C attached to complt. and served by: U.S. Marshal () Pltf's Attorney ()
Standard Order 93-5	()	
Order to Show Cause	()	with Petition attached & mailed certified mail to: US Atty Gen () PA Atty Gen () DA of County () Respondents ()
Bankruptcy Court	()	
Other _____	()	

MARY E. D'ANDREA, Clerk

DATE: June 28th, 2001

BY: 
Deputy Clerk